## UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

C.D., by and through her PARENTS AND NEXT FRIENDS, M.D. and P.D.	Civil Action No. 15-cv-13617-FDS )
Plaintiffs, v.	) )
NATICK PUBLIC SCHOOL DISTRICT and BUREAU OF SPECIAL EDUCATION APPEALS,	) ) ) )
Defendants.	) ) _)

## PLAINTIFFS' MOTION FOR CLARIFICATION

Plaintiffs, M.D. and P.D., individually and on behalf of C.D. hereby respectfully request clarification of the intended scope of the Court's Memorandum and Order on Plaintiff's Motion for Summary Judgment dated July 21, 2017, denying the Parents' Motion for Summary Judgment and remanding the case to the BSEA for further proceedings. In support of this request, the Plaintiffs state as follows:

- 1. On July 21, 2017, this Court issued a Memorandum and Order stating, "...plaintiffs' motion for summary judgment is DENIED. The matter is hereby REMANDED in part to the Board of Special Education Appeals for further proceedings, consistent with this opinion, as to whether the 2012-2013 and 2013-2014 IEPs provided a free public education in the least restrictive environment possible."
- 2. It is not clear whether the Court intended its Order to operate as a final Order for the purpose of computing the time for filing a Notice of Appeal, or whether the Court intended its Order to stay the case pending the BSEA's response to the issues on remand.

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Counsel for the Bureau of Special Education Appeals and counsel for the Natick Public

School District have assented to this motion.

WHEREFORE, Plaintiffs request clarification from the Court regarding whether the

Memorandum and Order on Plaintiff's Motion for Summary Judgment dated July 21, 2017, was

intended to operate as a final Order for the purpose of computing the time for filing a Notice of

Appeal, or whether the Court intended its Order to stay the case pending the BSEA's response to

the issues on remand.

DATED this 8th day of August 2017.

Respectfully submitted,

C.D., by and through her PARENTS AND

NEXT FRIENDS, M.D. and P.D.

By their attorney,

/s/ Laurie R. Martucci

Laurie R. Martucci, Esq.

BBO # 561946

Martucci Law Associates

20 Cabot Boulevard, Suite 300

Mansfield, MA 02048

Tel: (508) 964-6664

Fax: (508) 964-6665

**CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)** 

I hereby certify that I conferred with counsel for Natick Public Schools and counsel for the Bureau of Special Education Appeals prior to the filing of this motion, and both counsel

assented to this motion.

/s/ Laurie R. Martucci

Laurie R. Martucci

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## **CERTIFICATE OF SERVICE**

I hereby certify that the above document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing ("NEF"), and paper copies will be sent to those indicated as non-registered participants on August 8, 2017

/s/ Laurie R. Martucci
Laurie R. Martucci